The opinion in support of the decision being entered today is <u>not</u> binding precedent of the Board.

Paper No. 483 35

Filed by: Trial Section Motions Panel

Box Interference

Washington, D.C. 20231 Tel: 703-308-9797 Fax: 703-305-0942 Filed December 7, 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

PAT. & T.M. OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES

DAVID KNIPE, ROBERT FINBERG and GEORGE SIBER,

Junior Party, (Application 08/278,601)

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STEPHEN CHARLES INGLIS, MICHAEL EDWARD GRIFFITH BOURSNELL and ANTHONY CHARLES MINSON,

Senior Party, (Patents 5,665,362 and 5,837,261)

Patent Interference No. 104,363

Before: McKELVEY, <u>Senior Administrative Patent Judge</u>, and SCHAFER and SPIEGEL, <u>Administrative Patent Judges</u>.

SPIEGEL, Administrative Patent Judge.

## JUDGMENT PURSUANT TO 37 CFR § 1.662

Junior party Knipe has filed a paper "[p]ursuant to 37 C.F.R. 1.662" (Paper 131) abandoning "the contest now existing in Interference No. 104,363, including Count 2

thereof (as set forth in the "ORDER REDECLARING INTERFERENCE issued by the Board of Patent Appeals and Interferences and dated May 18, 2001)." Accordingly, it is

ORDERED that judgment on priority as to the subject matter of Count 2 (Paper 108, p. 2) is awarded against the junior party, DAVID KNIPE, ROBERT FINBERG and GEORGE SIBER;

**FURTHER ORDERED** that junior party, DAVID KNIPE, ROBERT FINBERG and GEORGE SIBER, is not entitled to a patent containing claims 1-9, 25-27, 29, 32-35, 37-40 and 42-49 (corresponding to Count 2) of Application 08/278,601;

**FURTHER ORDERED** that a copy of this judgment be made of record in Application 08/278,601 and the file of Patents 5,665,362 and 5,837,261; and

**FURTHER ORDERED** that if there is a settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

m.g.c

FRED E. McKELVEY, Senior Administrative Patent Judge

RICHARD E. SCHAFER

Administrative Patent Judge

BOARD OF PATENT APPEALS AND INTERFERENCES

CAROL A. SPIEGE

Administrative Patent Judge

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